



# **TOWN OF MIDDLEBURY**

*Planning & Zoning Commission*

*1212 Whittemore Road*

*Middlebury, Connecticut 06762*

*(203) 577-4162 ph*

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**June 2, 2022**

**REGULAR MEETING**

**MINUTES**

**REGULAR MEMBERS PRESENT**

Terry Smith, Chairman

William Stowell

Joseph Drauss

Matthew Robison

Erika Carrington

**REGULAR MEMBERS ABSENT**

**ALTERNATE MEMBERS PRESENT**

Paul Anderson

**ALTERNATE MEMBERS ABSENT**

Kevin Zupkus

**ALSO PRESENT**

Curtis Bosco, Z.E.O.

**CALL TO ORDER**

Chairman Smith called the Regular Meeting to order at 6:59 p.m.

**ROLL CALL AND DESIGNATION OF ALTERNATES**

Chairman Smith announced Regular Members Smith, Stowell, Robison, Carrington & Drauss and Alternate Member Anderson as present. Alternate Member Zupkus was absent.

## **PUBLIC HEARINGS**

1. **New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Text Amendment to Section 22.2.1 A of the Regulations (Application #2022-1-1) (Continued)**
2. **New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Zone Change from existing R-40 to R-40/PRD (Application #2022-1-2) (Continued)**

Chairman Smith called the two (2) Public Hearings to order at 7:00 p.m. He stated that he believes the applicant plans to withdraw their applications, although correspondence stating so has yet to be received. There was no representative present and since a letter of withdrawal was not received, he asked that a motion be made to close the two (2) Public Hearings.

William Stowell also wanted it noted for the record that responses to the Commission's questions were never received.

**Motion:** to close the two (2) Public Hearings at 7:01 p.m. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

3. **Middlebury Edge, LLC/1625 Straits Turnpike - Site Plan Application & for a Special Exception for a commercial building in excess of 14,000 square ft. pursuant to Sections 31, 51 & 52 of the Regulations (Application #2022-4-1) (Continued)**

Chairman Smith called the Public Hearing to order at 7:02 p.m.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant. Since last month, some changes were made with respect to wetland mitigation measures for the Conservation Commission, and that the Conservation Commission is still in the process of reviewing said revisions. She anticipates their decision will be made at their June 28, 2022 Regular Meeting. She provided and reviewed the revised plans with the Commission, highlighting the following:

- William (Bill) Kenny, PWS, SS, RLA of William Kenny Associates, 1899 Bronson Drive, Fairfield, CT 06824 was hired to prepare a Buffer Planting Plan.
- Expansion of existing detention basin
- Addition of an oil grit separator that will catch stormwater from Route 63 and additional outlet protection in order to improve the quality of the runoff from the road
- Proposal of a 3.56 acre Conservation Easement

She went on to state that CT Water requires that this building have their own laterals come in off of the main off Route 6, thus creating a DOT aspect to the project.

Chairman Smith requested that specifications for the retaining wall be submitted for the record.

Emily Jones, P.E. agreed to do so. She then submitted a handwritten request, dated June 2, 2022, for a 35-day extension.

**Motion:** to continue the Public Hearing on July 7, 2022. Made by Joseph Drauss, seconded by William Stowell. Unanimous Approval.

### **MINUTE APPROVAL**

#### **4. Discussion of the Minutes of the Regular Meeting held on May 5, 2022**

**Motion:** to approve the Minutes as submitted. Made by Joseph Drauss, seconded by William Stowell. Erika Carrington abstained from voting as she was not present for said meeting. Unanimous Approval.

### **OLD BUSINESS**

#### **5. New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Text Amendment to Section 22.2.1 A of the Regulations (Application #2022-1-1)**

There was no discussion.

#### **6. New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Zone Change from existing R-40 to R-40/PRD (Application #2022-1-2)**

There was no discussion.

**7. Middlebury Edge, LLC/1625 Straits Turnpike - Site Plan Application & for a Special Exception for a commercial building in excess of 14,000 square ft. pursuant to Sections 31, 51 & 52 of the Regulations (Application #2022-4-1)**

Discussion was tabled.

**8. Granite Woods/Nutmeg & Stevens Roads-Request for possible 30-day extension**

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant. She stated that a 60-day extension was already granted by this Commission at their April 7, 2022 Regular Meeting for the applicant to meet with conditions of approval. While progress has been made, however, the bank has requested additional information from the surveyor in a different format than what he had. Therefore, it has caused a delay in the posting of the bond. She expects that it will be resolved by the middle of next week, but would like an additional 30-day extension to fulfill the conditions. Her letter, dated June 2, 2022, requesting a 30-day extension was made part of the record.

**Motion:** to grant the applicant a 30-day extension. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

**NEW BUSINESS**

**9. James Mele, Tom Mele & John Frink/39 Sandy Beach Rd.-Application for Site Plan Approval (Application #2022-5-1)**

Scott Meyers, P.E. & L.S. with Meyers Associates P.C. spoke on behalf of the applicant and reviewed the plans with the Commission. They are seeking approval for a reconstruction of a cottage. The new cottage is proposed to have a holding tank and a well on Garrett Moore's property due to the fact that the applicants cannot provide a leaching system because the unit is so small.

Chairman Smith stated that a copy will be needed for the record.

Scott Meyers, P.E. & L.S. agreed and went on to state that the 1-level cottage will have a slightly larger in footprint.

Chairman Smith requested that reduced location drawings be provided as well as a sign off from the Condo Association.

Scott Meyers, P.E. & L.S. agreed and mentioned that corners of the cottage will be staked in the event the members of the Commission would like to visit the site. The proposed

cottage will increase by approximately 156 square feet. He added that they are working with the Health Department for the holding tank and will submit their signoff for the record once received.

### **OTHER BUSINESS**

#### **10. Any other business added to the agenda by a 2/3 vote of the Commission**

None

#### **11. Enforcement Report**

Curtis Bosco, Z.E.O. introduced John Lukowski, a recent graduate of CCSU with a degree in Criminology and a minor in Geography. He is doing an internship with the Town of Middlebury and started working with Curt as well as Deborah Seavey, W.E.O.

John Lukowski stated that it's been a good experience and is learning a lot.

Curtis Bosco, Z.E.O. went on to state that they've been very busy putting in 20 hours a week doing sign sweeps, performing site visits and sending letters. A resident who has a trailer that can be seen from the road claims that the rear of his property is too wet to place said trailer. He requested that he be allowed to put up a tall fence and plant Thuja trees.

Chairman Smith requested that Curtis Bosco, Z.E.O. visit the rear of the property to determine its condition.

Curtis Bosco, Z.E.O. shared that the owner of a new house on Joy Road placed large stumps in the rear of the property. He plans to instruct him to put up a stockade fence.

Chairman Smith requested to see the original approval for Dr. Yimoyines' sign as well as a picture without the dimensions being cut off.

Curtis Bosco, Z.E.O. stated that the bottom panel of said sign is a 4G outdoor TV screen that can be changed with a computer.

Chairman Smith reminded him that the Regulations currently do not allow for moving signs but wants to review the documents requested above. He then instructed Curtis Bosco, Z.E.O. to have Attorney D'Angelo start legal proceedings by first sending a letter to Sunoco. And, despite the fact that they sent a letter asking for permission to have a

clothing bin on site, one already exists. He added that Attorney D'Angelo is working on the noncompliant fence on Washington Drive.

William Stowell made mention of a potential safety issue at Ridgewood Estates with respect FD access.

Chairman Smith added that he was informed that there was a meeting at said location between representatives of Ridgewood, the FD and other town officials.

Curtis Bosco, Z.E.O. confirmed that he was also present. He declared that there would not be any sign-offs until all is satisfactory and deemed safe with each department.

Chairman Smith instructed Curtis Bosco, Z.E.O. to have Solli fill out an application.

## **12. Adjournment**

**Motion:** to adjourn the meeting at 7:46 p.m. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Brigitte Bessette, Town Clerk

cc: P&Z Commission Members  
Paul Bowler, Chairman, Conservation Commission  
Mark Lubus, Building Official  
Curtis Bosco, Z.E.O.  
Ken Long, Chairman, Z.B.A.  
Attorney Dana D'Angelo  
Rob Rubbo, Director of Health